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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/724,025

11/26/2003

Christopher A. Pawlik

02-40199-US

7268

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7590

03/14/2007

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EXAMINER

GRAY, LINDA LAMEY

ART UNIT

PAPER NUMBER

1734

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/724,025

Applicant(s)

PAWLIK ET AL.

Examiner

Linda L. Gray

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Detailed Action

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2-20-07 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-10 and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Grosskopf (US 6,364,990).

Claim 1, Grosskopf teaches apparatus 110 including first substantially planar member 115a that includes at least one predefined region 152 along its edge and second substantially planar member 115b (or 115c) that includes at least one predefined region 154 along its edge. Member 115b (or 115c) is releasably adhered to member 115a in a peelable and resealable fashion via adhesive 150a (or 150b or 150c). Region 154 corresponds to region 152 as shown in Figure 2 in that the regions are correspond directly across from each other in apparatus 110. Regions 152 and 154 are perforations and suitable for being torn (i.e., tearing regions). The remaining limitations of claim 1 are intended use limitations of the claimed apparatus and do not

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provide in a structural difference between the claimed invention and the structure of Grosskopf.

Claims 2-5 and 8 include limitations of intended use of the claimed apparatus and do not provide in a structural difference between the claimed invention and the structure of Grosskopf.

Claim 6, members 115a and 115b (or 115c) each have top and bottom surfaces. Member 115a is printed at indicia 144. Member 115b (or 115c) is printed at indicia 136.

Claim 7, member 115a includes at least one adhesive 114 (or 150a) on at least a portion of its top and bottom surfaces.

Claim 9, member 115b (or 115c) is smaller than member 115a.

Claim 10, member 115b (or 115c) includes second adhesive 134 on at least a portion of one of the top or bottom surfaces.

Claim 13, member 115b (or 115c) includes an outer edge.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grosskopf as applied to claims 1-10 and 13 above, and further in view of Gartner (US 5,284,363).

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Claims 11-12 and 14-15, Grosskopf does not teach that adhesive 134 is deadened (claim 11) at the outer edge (claim 14) to about 5% (claim 15) and to about 30-50% inwardly (claim 12). Note in Grosskopf that adhesive 134 is under removable label 130 (Fig 1).

Gartner teaches apparatus 8 having a surface 45 which includes an adhesive. The adhesive is deadened at the outer edge and inwardly where such is provided for facilitating user grasping and separation of layer 10 from layer 20.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Grosskopf that adhesive 134 is deadened at the outer edge and inwardly the motivation being that Gartner teaches that forming a lift tab facilitates user grasping and separation where such in Grosskopf would facilitate user grasping of label 130 and separation. MPEP 2144.05 indicates that where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation, *In re Aller*, 220 F.2d 454, 105 U.S.P.Q. 233, 235 (CCPA 1955). In this case, the range is the range percent of deadening. Also, the degree of deadening is a result-effective variable which effects the degree of releasability as demonstrated by Gartner. Based upon this line of reasoning, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Grosskopf modified an optimization of the percent of deadening for optimal grasping/releasing/separation.

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Response

6. Applicant's comments filed 2-27-07 have been fully considered and the prior art rejections in the previous Office action have been removed.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda L. Gray whose telephone number is (571) 272-1228. The examiner can normally be reached on Monday-Friday, 9:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

llg

March 8, 2007


LINDA GRAY
PRIMARY EXAMINER